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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,607	07/18/2003	Xiaochun Linda Chen	03 P 50508 US / INTECH	4285
48154	7590	05/22/2006	3.	
SLATER & MATSIL LLP 17950 PRESTON ROAD SUITE 1000 DALLAS, TX 75252			EXAMINER GUERRERO, MARIA F	
			ART UNIT 2822	PAPER NUMBER

DATE MAILED: 05/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/622,607

Applicant(s)

CHEN ET AL.

Examiner

Maria Guerrero

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 23 and 26-34 is/are pending in the application.
- 4a) Of the above claim(s) 9, 10 and 23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 11-14, and 26-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is in response to the Election and the amendment filed April 7, 2005.

Status of Claims

2. Claims 15-22 and 24-25 are canceled. Claims 1-14, 23, 26-34 are pending.

Election/Restrictions

3. Applicant's election of Species I (claims 1-8, 11-14 and 26-34) in the reply filed on April 7, 2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
4. Claims 9-10 and 23 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on April 7, 2005.

Specification

5. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-8, 11-14 and 26-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Bergner et al. (US 6,927,172).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Bergner et al. teaches a method of protecting devices formed in a silicon substrate from shinning spots present in a periphery of the substrate (Abstract, col. 1, lines 7-66). Bergner et al. shows forming a ring of material atop the substrate to separate the periphery of the substrate from a further region of the substrate wherein

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the devices are formed (Abstract, Fig. 3, col. 2, lines 30-56). Bergner et al. discloses depositing a negative or positive resist layer on the substrate and then patterning the resist layer (Fig. 1-6, col. 5, lines 20-25). Bergner et al. teaches depositing a further layer of resist on the substrate and patterning a further region of the substrate, the ring of material being of a sufficient thickness that is not patterned during the step of patterning the further layer of resist (Fig. 4-6, col. 1, lines 58-66, col. 3, lines 20-25).

In addition, Bergner et al. teaches forming a pad oxide layer, a pad nitride and other preliminary layers being formed on the top of the substrate (Fig.1, 8, col. 2, lines 28-55). Bergner et al. shows forming the ring on the top of the substrate having the pad oxide layer, the pad nitride and other preliminary layers layers; therefore, the hard mask layer is inherently present (Fig.1, 4, 8, col. 2, lines 28-65, col. 3, lines 16-20). Bergner et al. discloses depositing a layer of resist over the substrate including over the periphery region and in the ring of material, patterning the layer of resist and effecting the substrate in alignment with the patterned layer of resist (Abstract, Fig. 5-6, col. 1, lines 58-66, col. 3, lines 5-47, col. 5, lines 5-13).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nakayama et al. (US 6,291,315), Dobuzinsky et al. (US 6,806,200), Perng (US 6,033,997), Butschke et al. (US 6,864,182) and Chen (US 6,713,236) teach several steps related to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maria Guerrero whose telephone number is 571-272-1837. The examiner can normally be reached on M-F (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zandra Smith can be reached on 571-272-2429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

May 15, 2006

Maria Guerrero
MARIA F. GUERRERO
PRIMARY EXAMINER